

10/587,372

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Practitioner's Docket No. U 016405-8



Optional Customer No. Bar Code



00140

PATENT TRADEMARK OFFICE

CHAPTER II

**TRANSMITTAL LETTER
TO THE UNITED STATES ELECTED OFFICE (EO/US)
(ENTRY INTO U.S. NATIONAL PHASE UNDER CHAPTER II)**

INTERNATIONAL APPLICATION NO. INTERNATIONAL FILING DATE PRIORITY DATE CLAIMED
PCT/ES2005/070010 27 JANUARY 2005 05 FEBRUARY 2004

TITLE OF INVENTION

METHOD OF PRODUCTION OF RECOMBINANT SUCROSE SYNTHASE, USE THEREOF IN THE MANUFACTURE OF KITS FOR DETERMINATION OF SUCROSE, PRODUCTION OF ADPGLUCOSE AND PRODUCTION OF TRANSGENIC PLANTS WHOSE LEAVES AND STORAGE ORGANS ACCUMULATE HIGH CONTENTS OF ADPGLUCOSE AND STARCH

APPLICANT(S)

1. Miren Edurne **BAROJA FERNANDEZ**
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3. Francisco Javier **POZUETA ROMERO**
4. Maria Teresa **MORAN ZORZANO**
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Mail Stop PCT
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450
ATTENTION: EO/US

**COMPLETION OF FILING REQUIREMENTS
FOR INTERNATIONAL APPLICATION ENTERING U.S. NATIONAL STAGE
IN U.S. ELECTED OFFICE (EO/US) UNDER 35 U.S.C. § 371**

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

Date: March 3, 2009

FACSIMILE

transmitted by facsimile to the Patent and Trademark Office to (571) 273-8300

transmitted electronically

Signature

CLIFFORD J. MASS
(type or print name of person certifying)

(check and complete the applicable item, if applicable)

[x] This replies to the Notification of Missing Requirements under 35 U.S.C. § 371 and 37 C.F.R. § 1.495 (FORM PCT/DO/EO/905).

[x] A copy of FORM PCT/DO/EO/905 accompanies this response.

WARNING: *Where the items being submitted to complete the entry of the international application into the national phase are subsequent to 30 months from the priority date the application is still considered to be in the international state and if mailing procedures are utilized to obtain a date the express mail procedure of 37 C.F.R. § 1.10 must be used (because international application papers are not covered by an ordinary certificate of mailing. 37 C.F.R. § 108(2)(xi)).*

NOTE: *Documents and fees must be clearly identified as a submission to enter the national stage under 35 U.S.C. § 371. Otherwise, the submission will be considered as being made under 35 U.S.C. § 111. 37 C.F.R. § 1.495(g).*

DECLARATION OR OATH

NOTE: 37 C.F.R. § 1.495(c): "If applicant complies with paragraph (b) of this section before expiration of thirty months from the priority date but omits . . . the oath or declaration of the inventor (35 U.S.C. 371(c)(4) and § 1.497), if a declaration of inventorship in compliance with § 1.497 has not been previously submitted in the international application under PCT Rule 4.17 (iv) within the time limits provided for in PCT Rule 26ter.1, applicant will be so notified and given a period of time within which to file the . . . oath or declaration in order to prevent abandonment of the application The payment of the surcharge set forth in § 1.492(e) is required for acceptance of the oath or declaration of the inventor later than the expiration of thirty months after the priority date."

I. (a) [] No original declaration or oath was filed. Enclosed is the original declaration or oath for this application.

OR

(b) [] The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

NOTE: *For surcharge fee for filing declaration after filing date complete item IV(3)*

NOTE: *Acceptable minimums in the declaration in an ordinarily filed U.S. application for identification of the specification to which it applies are:*

- (A) *application number (consisting of the series code and the serial number, e.g., 08/123,456);*
- (B) *serial number and filing date;*
- (C) *attorney docket number which was on the specification as filed;*
- (D) *title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or*
- (E) *title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number, e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration.*

M.P.E.P. § 602, 8th ed.

NOTE: *Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 C.F.R. § 1.10(c).*

NOTE: *See 37 C.F.R. § 1.41(a).*

(complete as applicable)

Attached is a

- (a) [] Statement by practitioner that papers attached to declaration are a copy of those filed in PTO to get a filing date
- (b) [] Statement that substitute specification contains no new matter.
- (c) [x] Amendment
- (d) [x] Submission of "Sequence Listing," computer readable copy, and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence

**TRANSMITTAL OF ENGLISH TRANSLATION
OF NON-ENGLISH LANGUAGE PAPERS**

II. [] Submitted herewith is an English translation of the non-English language international application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO. (See 37 C.F.R. 1.495(c))

NOTE: *For fee for processing a non-English application, complete item IV(4).*

NOTE: *A non-English oath or declaration in the form provided or approved by the PTO need not be translated.*
37 C.F.R. § 1.69(b).

FEES

III.

NOTE: *See 37 C.F.R. § 1.28(a).*

1. Fees for search, exam or claims

[] Non-U.S. Search Report filed —\$410.00; small entity—\$205.00	\$ _____
[] No Search Report —\$510.00; small entity —\$255.00	\$ _____
[] Exam Fee not paid to U. S.—\$210.00; small entity—\$105.00	\$ _____
[] Search and Exam fee with U.S. WO or IPER conditions not satisfied—\$100.00; small entity—\$50.00	\$ _____
[] Search and Exam fee with U.S. WO or IPER conditions satisfied—\$0.00	\$ _____

[]	Spec and drawing, each 50 pages over 100 37 C.F.R. 1.16(s)—\$250.00	\$ _____
[]	Each independent claim in excess of 3 (37 C.F.R. § 1.492—\$210.00; small entity—\$105.00	\$ _____
[]	each claim in excess of 20 (37 C.F.R. § 1.492—\$50.00; small entity—\$25.00	\$ _____
[]	multiple dependent claims(s) (37 C.F.R. § 1.492—\$370.00; small entity—\$185.00	\$ _____

2. Surcharge fees

[]	surcharge set forth in 37 C.F.R. § 1.492(e) for accepting the declaration later than 30 months after the priority date in filing an application in the U.S. as a designated office—\$130.00; small entity—\$65.00	\$ _____
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NOTE: The processing fee in the next item 3 below is not subject to a reduction for small entity status.

3. []	processing fee set forth in 37 C.F.R. § 1.492(f) for acceptance of an English translation later than 30 months after the priority date—\$130.00	\$ _____
	Total Fees	\$ _____

SMALL ENTITY STATUS

IV. a. [] A Statement or Written Assertion that this filing is by a small entity

NOTE: See 37 C.F.R. § 1.28(a).

(check and complete applicable items)

[] is attached.
 [] was filed on _____.
 [] was made by paying the basic national fee as a small entity.

b. [] A separate refund request accompanies this paper.

EXTENSION OF TIME

(complete (a) or (b), as applicable)

V.

The proceedings herein are for a patent application. Accordingly, the provisions of 37 C.F.R. § 1.136(a) apply.

(a) [x] Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked out below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> one month	\$ 130.00	\$ 65.00
<input checked="" type="checkbox"/> two months	\$ 490.00	\$ 245.00
<input type="checkbox"/> three months	\$ 1,100.00	\$ 555.00
<input type="checkbox"/> four months	\$ 1,730.00	\$ 865.00

NOTE: The 2-month time period for reply to A Notice to File Missing Parts of an Application is not identified on the Notice as a statutory period subject to 35 U.S.C. 133. Thus, extensions of time of up to 5 months under 37 CFR 1.136(a), followed by additional time under 37 CFR 1.136(b), when appropriate, are permitted. MPEP 710.02(d)(c), 8th ed.

<input type="checkbox"/> five months	\$ 2,230.00	\$ 1,110.00
	Fee \$ <u>490</u>	

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

[] An extension for _____ months has already been secured. The fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

or

(b) [] Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

03/06/2009 GFREY1 00000065 120425 10587372
01 FC:1252 490.00 DA

TOTAL FEE DUE

VI.

The total fee due is:

Completion fee(s)	\$ _____
Extension fee (if any)	\$ <u>460</u>
TOTAL FEE DUE	\$ _____

PAYMENT OF FEES

VII.

[] Enclosed is a check in the amount of \$_____
[x] Charge Account No. 12-0425 in the amount of \$ 490 _____

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. § 1.22(b).

AUTHORIZATION TO CHARGE ADDITIONAL FEES

VIII.

WARNING: *Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claims are authorized.*

NOTE: *"A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).*

NOTE: *"Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).*

[X] The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the entire pendency of this application to Account No. 12-0425

[X] 37 C.F.R. § 1.492(a), (b) or (c) (search or exam fee)
[] 37 C.F.R. § 1.492(b), (c), and (d) (presentation of extra claims)

NOTE: *Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid for these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.*

[X] 37 C.F.R. 1.16(s) (spec and drawing, each 50 pages over 100)
[X] 37 C.F.R. § 1.17 (application processing fees)
[X] 37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a)).

NOTE: Section 1.311(b) provides that an authorization to charge the issue fee (§ 1.18) to a deposit account may be filed in an individual application **only after the mailing of the notice of allowance**. Accordingly, general authorizations to any fees and specific authorizations to pay the issue fee that are filed prior to the mailing of a notice of allowance will generally not be treated as requesting payment of the issue fee and will not be given effect to act as a reply to the notice of allowance. Applicant, when paying the issue fee, should submit a new authorization to charge fees, such as by completing box 6b on the current PTOL 85-B form. Where no reply to the notice of allowance is received, the application will stand abandoned notwithstanding the presence of general authorizations to pay fees or a specific authorization to pay the issue fee that were submitted prior to mailing of the notice of allowance. Where an attempt is made to pay the issue fee but an incorrect amount is submitted, § 1.311(b)(1), or where the Office's issue fee transmittal form (currently PTOL-85(B)) is completed by applicant and submitted, § 1.311(b)(2), in reply to a notice of allowance, an exception will be made. Such submissions will operate as a request to charge the issue fee to any deposit account identified in a previously filed (i.e., submitted prior to the mailing of the notice of allowance) authorization to charge fees, and will be allowed to act as payment of the correct issue fee. § 1.311(b). See also the change to § 1.26(b), Notice of September 8, 2000, Fed. Reg. 54603-54683, at 54646 and 54647.

[] 37 C.F.R. § 1.492(e) and/or (f) surcharge fees for filing the declaration and/or an English translation of an international application later than 30 months from the earliest-claimed priority date.

WARNING: It would be wise to always check this last authorization.

Refund any overpayment to deposit account 12-0425.

Reg. No.:30,086

Tel. No.: (212)708-1890

Customer No.: 00140



00140
PATENT TRADEMARK OFFICE

SIGNATURE OF PRACTITIONER
CLIFFORD J. MASS

(type or print name of practitioner)

P.O. Address

c/o Ladas & Parry LLP
26 West 61st Street
New York, N.Y. 10023



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/587,372	Miren Edurne Baroja Fernandez	U 016405-8

140
LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK, NY 10023

RECEIVED

NOV 10 2008

L & P LLP

INTERNATIONAL APPLICATION NO.

PCT/ES2005/070010

I.A. FILING DATE	PRIORITY DATE
01/27/2005	02/05/2004

CONFIRMATION NO. 1684
371 FORMALITIES LETTER



OC000000032970269

Date Mailed: 11/06/2008

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE
AND/OR AMINO ACID SEQUENCE DISCLOSURES

Filing Date Granted

Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to comply with the sequence rules, 37 CFR §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR § 1.821(g). Extension of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR § 1.136. In no case may an applicant extend the period for response beyond the six-month statutory period. Direct the response to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- This application clearly fails to comply with the requirements of 37 CFR 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

CJL

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

• Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

DONNA S GREENE

Telephone: (703) 308-9140 EXT 222



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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140 LADAS & PARRY LLP 26 WEST 61ST STREET NEW YORK, NY 10023		INTERNATIONAL APPLICATION NO. PCT/ES2005/070010
I.A. FILING DATE	PRIORITY DATE	
01/27/2005	02/05/2004	

CONFIRMATION NO. 1684
371 WITHDRAWAL NOTICE



OC000000032970256

Date Mailed: 11/06/2008

Letter Regarding a New Notice and/or the Status of the Application

If a new notice or Filing Receipt is enclosed, applicant may disregard the previous notice mailed on 07/02/2008. The time period for reply runs from the mail date of the new notice. Within the time period for reply, applicant is required to file a reply in compliance with the requirements set forth in the new notice to avoid abandonment of the application.

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If the reply is not filed electronically via EFS-Web, the reply must be accompanied by a copy of the new notice.

If the Office previously granted a petition to withdraw the holding of abandonment or a petition to revive under 37 CFR 1.137, the status of the application has been returned to pending status.

DONNA S GREENE

Telephone: (703) 308-9140 EXT 222